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**FORCED LABOR AND SLAVERY**

**by**

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## FORCED LABOR AND SLAVERY

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RENEWED EFFORTS to raise effective legal barriers to systems of forced labor, and to wipe out remnants of human servitude still found in parts of the world today, are to be made this spring by organs of the United Nations. Since 1949 the Economic and Social Council and the International Labor Organization have been conducting inquiries into the extent of forced labor and slavery and adopting resolutions condemning such institutions as violative of fundamental human rights. This year the member governments will be asked to support stronger measures, including two proposed conventions, designed to eliminate forced or slave labor and all traces of traffic in slaves.

The Economic and Social Council has completed the first draft of a new convention on abolition of slavery, and institutions similar to slavery, for consideration at a session opening Apr. 17 at U.N. headquarters in New York City. Meanwhile, the International Labor Organization has queried its members on whether they would support a similar convention to bar use of forced labor for political or economic purposes; the question will be fully discussed at the I.L.O.'s annual conference at Geneva in June.

A majority of the governments belonging to I.L.O. already have sent affirmative replies. Thirty-eight of the member governments have signified their intention to support some form of international agreement dealing with forced labor; 34 of them, including the Soviet Union, have come out for a new treaty or convention. The only major industrial country not on record as favoring such a pact is the United States.

### CONTROVERSY OVER U.S. STAND ON PROPOSED PACTS

The Eisenhower administration has not publicly announced that it will oppose American participation in the forced labor or slavery conventions. However, the State Department is reportedly unwilling to support the proposed

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agreements because treaties of this character might affect domestic legislation or touch on matters otherwise reserved by the Constitution to the jurisdiction of the states. Official sources have asserted that refusal to subscribe to treaties on human rights is in accord with assurances given by Secretary of State Dulles in 1953 during Senate hearings on the proposed Bricker amendment to the Constitution.<sup>1</sup>

This position, to which it is assumed the administration will adhere, has been questioned sharply in the press. It has evoked the public opposition also of at least one member of the cabinet, of labor leaders, and of members of Congress who supported earlier efforts to expose conditions of forced labor and slavery.

Secretary of Labor Mitchell has made unsuccessful attempts to induce the State Department to reverse its position. Philip M. Kaiser, a former Assistant Secretary of Labor and U.S. representative on the governing board of the I.L.O., has called the administration's position "untenable." Kaiser contended in a letter published by the *New York Times* on Feb. 19 that the State Department was putting this country "in the preposterous position of resisting the most practical proposal for dealing with the most brutal of Communist practices."

American labor leaders have been equally outspoken. George Meany, president of the A.F.L.-C.I.O., told a news conference on Feb. 10 that Secretary Dulles had rejected his appeal for a strong stand in support of the proposed forced labor pact. Meany said American labor was "very disappointed with the attitude of our government on this question; it will play into the hands of the Soviets." The A.F.L.-C.I.O. on Mar. 15 called the situation "preposterous and intolerable" and added: "We are against forced labor, aren't we? Then let the administration formally say so." George P. Delaney, U.S. worker delegate to the I.L.O., has accused Dulles of "knuckling under" to U.S. employers who oppose American participation in the I.L.O.

Congressional supporters of the Bricker amendment have stayed silent on the question, but critics of the administration's position have been maneuvering to force a test

<sup>1</sup> The *New York Times* reported, Jan. 28, 1956, that State Department officials had reaffirmed Dulles's assurance that the United States would not be a party to treaties concerning matters that rest primarily within the province of the states.

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of Senate opinion. Sen. Hubert Humphrey (D-Minn.) introduced a joint resolution last January which would have Congress call on the Executive Branch to take the lead in the drive to outlaw forced labor and give its support to a convention for effective suppression. Leading labor organizations have asked hearings on the Humphrey resolution, and Humphrey has been urging congressional review of the whole question of forced labor.<sup>2</sup>

#### ACTION OF I.L.O. AND UNITED NATIONS ON FORCED LABOR

The International Labor Organization has been concerned about forced labor for more than a quarter of a century. For the past seven years it has been working with the United Nations on a far-reaching investigation of coercive labor practices. A forced labor convention, negotiated under I.L.O. auspices in 1930, is still in effect among 33 signatory countries.<sup>3</sup> That convention, however, was limited largely to forced labor in dependent territories. It was not until after World War II that forced labor in self-governing states—particularly the Communist countries—came under international scrutiny.

The American Federation of Labor took the initiative by suggesting to the United Nations in 1947 that the Economic and Social Council and the I.L.O. jointly undertake a comprehensive survey of conditions in member countries with a view to recommending measures to eliminate forced labor. The suggestion was backed strongly by the United States at the 1949 session of the Economic and Social Council; in March of that year the Council endorsed such a survey.<sup>4</sup>

For two years thereafter, however, the Communist bloc in the Economic and Social Council managed to stall off establishment of an effective committee of inquiry. Soviet representatives opposed every form of investigating body proposed by the western powers and advanced alternative proposals unacceptable to the majority of member states. While denying the existence of forced labor in Red territory, the U.S.S.R. steadfastly refused to permit any investigation in areas under its control.

<sup>2</sup> Humphrey's resolution was referred to the Senate Labor Committee, which has not yet scheduled hearings.

<sup>3</sup> The United States was not a party to the 1930 convention. The I.L.O. was established in 1919 as an autonomous organization closely associated with the League of Nations; after World War II it became one of the specialized agencies of the United Nations.

<sup>4</sup> See "Forced Labor," *E.R.R.*, Vol. I 1949, pp. 298-308.

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The Council in March 1951 finally approved an American-British plan to set up an *ad hoc* committee of three members to be appointed jointly by the Secretary General of the United Nations and the Director General of the International Labor Organization.<sup>5</sup> The committee was directed to study systems of forced or "corrective" labor employed "as a means of political coercion" or "on such a scale as to constitute an important element in the economic life of a given country."

Organized in June 1951, the committee made an exhaustive two-year study of laws, decrees, and regulations in the 28 countries against which allegations of forced labor had been made. Although the Communist governments refused to supply any data, the committee was able to gather a large volume of information about them from independent sources. Its report, issued in June 1953, was widely recognized outside the Communist orbit as an objective and authoritative document. The committee found evidence pointing to the existence of direct or indirect forms of compulsory labor in a number of areas, particularly dependent territories; it found conclusive evidence that forced labor was resorted to for purposes of political coercion or economic gain in the Soviet Union and all other Communist states covered in the survey.

The committee's findings were reviewed at the 1953 session of the U.N. General Assembly. An Assembly resolution declared that "Systems of forced labor constitute a serious threat to fundamental human rights" in contravention of the U.N. Charter, and it called on the Economic and Social Council and the I.L.O. to continue their joint efforts. The Council in 1954 commended the committee for its work, invited the I.L.O. to take what further action it deemed appropriate to abolish forced labor throughout the world, and asked to be kept informed of any new information received from member governments or other sources.

Additional information on the extent of forced labor, gathered by the two organizations, will be examined at the April session of the Economic and Social Council and at the I.L.O. conference in June. The decision to put the

<sup>5</sup> The appointees were Sir Ramaswami Mudaliar of India; Justice Paul Berg, former president of the Supreme Court of Norway; Enrique Garcia Sayan, former foreign minister of Peru.

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question of a forced labor convention on the agenda of the International Labor Conference, taken by the Governing Board in November 1954, had the surprising concurrence of the Soviet Union, which had only recently become a member of the I.L.O.

#### INTERNATIONAL EFFORTS TO WIPE OUT SLAVE TRAFFIC

The United Nations began to deal with problems of slavery in 1948, about the time that it took up the question of forced labor. However, the record of international action in the field of slavery and servitude extends back to the 19th century, when the African slave trade was still uncontrolled. The Brussels Act of 1890, signed by the major powers, specifically outlawed the African slave trade and contained other provisions designed to suppress outright slavery.<sup>6</sup> In 1926 the League of Nations promulgated the Geneva Slavery Convention, a much broader anti-slavery agreement which remains in effect today among 46 signatory countries, including the United States.

When the United Nations took up the subject in 1948, there were complaints that practices resembling slavery, not covered by the Geneva convention, were still to be found in parts of Africa, the Middle East, and other regions. When the General Assembly adopted the Declaration of Human Rights that year, it introduced an article providing that "No one shall be held in slavery; slavery and the slave trade shall be prohibited in all their forms."

On the initiative of Belgium, the Economic and Social Council set up a small committee of experts to inquire more closely into practices akin to slavery and to suggest methods of attacking them. The inquiry continued into 1950, and a report submitted to the Council in May 1951 set forth the following conclusions:

Slavery, even in its crudest form, still exists in the world today, and . . . it should continue to be a concern of the international community. Other forms of servitude exist in practically all regions of the world. They are rapidly subsiding in some . . . but in others they appear to be growing . . . The suffering caused by these practices is much more significant at present than that resulting from crude slavery.

The committee of inquiry generally refrained from bring-

<sup>6</sup> The General Act for the Suppression of the African Slave Trade, signed at Brussels July 2, 1890, included provisions concerning purchase, sale, and conveyance of slaves.

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ing charges against particular countries, but allegations and evidence submitted to the experts indicated that an extensive slave trade continued to be carried on between West African territories and oil-rich countries of the Near East. It was alleged that Arabian slave dealers plied a lucrative commerce in concubines for the harems of wealthy men in Saudi Arabia. The committee found substantial evidence that forms of debt bondage, serfdom, transfer or inheritance of wives, and exploitation of women and children existed in many parts of the world.

Two actions resulted from the inquiry: (1) In 1953 the General Assembly approved a protocol to the Geneva convention providing for transfer to the United Nations of powers and functions formerly exercised by the League of Nations under that pact; (2) in 1954 the Economic and Social Council decided to consider a draft supplementary convention dealing with practices of slavery not covered by the Geneva treaty. A ten-nation committee was appointed in April 1955 to prepare a text, based on a preliminary draft circulated by the British government, and to report to the Council at its session in April 1956.<sup>7</sup>

The protocol to the Geneva convention has been ratified to date by 30 countries, including the United States. Despite reported congressional opposition to treaties of this type, the Senate approved ratification last Jan. 25 without a dissenting vote.

#### **PROVISIONS OF REVISED ANTI-SLAVERY CONVENTION**

The draft anti-slavery convention which comes up for debate in the Economic and Social Council next month consists of 13 new articles having to do with practices disclosed by the U.N. inquiry and not covered by the 1926 accord. Under its provisions the contracting parties would agree to "take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of [certain] institutions and practices [debt bondage, serfdom, etc.] where they still exist."

One controversial provision of the proposed convention treats the conveyance of slaves on the high seas as a criminal offense akin to piracy. It provides specifically that

<sup>7</sup> The ten countries represented on the committee are Australia, Ecuador, Egypt, France, India, Netherlands, Turkey, U.S.S.R., United Kingdom, Yugoslavia.

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"The act of conveying or of attempting to convey slaves on the high seas . . . shall be a criminal offense under the laws of the parties to this convention, and persons convicted thereof shall be liable to penalties as severe as those generally applied to acts of piracy."

A related clause would give warships and aircraft of the contracting parties "the same right of visit, search, and seizure" in the case of slave runners as in cases involving acts of piracy. This right, made applicable to "the area of the Indian Ocean, including the Red Sea and the Persian Gulf," embraces the region in which slave running from Africa to Arabia has been reported.

The tenor of debate in the drafting committee indicated that the proposed treaty might have political repercussions. However, the need for a supplementary convention was generally recognized. During committee deliberations the Soviet delegate made a lengthy statement in which, according to the official reporter, he declared that "Although the problem of slavery did not exist in the U.S.S.R., his government had always been prepared to support any measures that might abolish slavery and related institutions and practices where they still exist."

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### **Extent of Forced Labor and Slavery Today**

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NEW INFORMATION on the extent of forced labor practices in the Soviet Union and other areas under Communist control has added little to the basic findings of the joint committee appointed by the Economic and Social Council and the I.L.O. Nor has new information subtracted anything substantial from the conclusions reached by that body. The validity of the 1953 report never has been challenged successfully by Communist critics, and it has not been questioned by others.

The report was a document of 621 pages, replete with factual material. The committee held 59 meetings in Geneva and New York and collected a mass of documentary evidence. It investigated all major charges, including Soviet allegations of "capitalist serfdom" in the United States and other industrial countries. It made conclusions

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only on the basis of facts which could be verified by legal evidence. The report stated:

The committee undertook its work as a fact-finding body; its inquiry has revealed the existence of facts relating to systems of forced labor of so grave a nature that they seriously threaten fundamental human rights and jeopardize the freedom and status of workers in contravention of the obligations and provisions of the Charter of the United Nations.

The committee's inquiry has revealed the existence in the world of two principal systems of forced labor, the first being employed as a means of political coercion or punishment for holding or expressing political views, the second being employed for important economic purposes.

Apart from the Communist countries, it was only in Spain that the committee ran across legal provisions giving authority to exercise political coercion. No evidence to substantiate Communist allegations against the United States and other industrial countries of the West was uncovered, but various kinds of compulsory labor for economic purposes were found in dependent territories and certain colonial areas, particularly in South and Southwest Africa.

### SOURCES OF EVIDENCE ON COMMUNIST FORCED LABOR

Evidence relating to forced labor in Communist countries was drawn from three principal sources: (1) texts of laws, decrees, and regulations, (2) relevant documents collected by the U.N. and the I.L.O., and (3) statements and affidavits submitted by non-governmental organizations or individuals, including testimony by exiles or persons who had escaped from Communist prison camps.<sup>8</sup> Although lengthy questionnaires were sent to all countries, and 48 governments replied, no official information was forthcoming from the Soviet Union or any other Communist state.

Evidence from available sources confirmed the principal charges about forced labor in the Soviet Union. In substance, the allegations were:

That the Soviet Union has a system of forced labor, one of the main aims of which is to crush all opposition, particularly as expressed in political opinions differing from those of the regime.

That at the base of the system is the criminal law and procedure of the country, which are so conceived that many persons opposed

<sup>8</sup> The committee received information from some 30 non-governmental organizations, including such groups as the Association of Former Political Prisoners of Soviet Labor Camps, national councils of political refugees from satellite states, and voluntary associations accredited to the United Nations.

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to the regime can be convicted and sentenced to forced labor without adequate opportunity to put up a defense.

That the M.V.D. (secret police) has extensive extra-judicial powers under which persons can be subjected to forced labor.

That the number of persons sentenced to forced labor runs into millions.

That the forced labor system is of great importance to the Soviet economy.

That millions of persons have been deported either from one part of the Soviet Union to another, or from neighboring countries to the Soviet Union, and subjected to forced labor.

The investigating body sought to be scrupulously fair in weighing the charges against the Soviet Union and other Communist states. Its task was complicated by the fact that many countries have sanctioned use of some form of compulsory labor, when imposed under court decisions with due process of law, or when required under such emergency conditions as war, insurrection, or national disaster. The conclusion that Communist forced labor is a unique and deliberate system of political and economic coercion was based on overwhelming legal evidence drawn from Soviet criminal law.

### CORRECTIVE LABOR FOR POLITICAL OFFENSES IN RUSSIA

The legal basis of the "corrective" labor system in the Soviet Union was established in its present form as early as 1933 by the Corrective Labor Code and the Penal Code of the Russian Socialist Federated Soviet Republic, principal of the constituent republics of the Soviet Union. The aim of corrective labor, according to the 1950 edition of the Penal Code, is "to protect the Socialist state of the workers and peasants and the established legal order . . . against acts which constitute a danger to society." Either to act or not to act may be a crime.

Crimes are acts which constitute a danger to society . . . Any action or inaction shall be deemed a danger to society if it is directed against the Soviet regime or violates the legal order established by the workers' and peasants' authority.<sup>9</sup>

Under the Penal Code, measures of "social defense" may be applied not only to persons who have committed crimes, but also to those "who constitute a danger to society through their ties to criminal elements or their previous activities." Article 58 of the Penal Code states that any action directed toward undermining or weakening the regime shall be

<sup>9</sup> Articles 1 and 6 of the Penal Code.

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deemed a counter-revolutionary offense; such offenses may include "propaganda or agitation containing an appeal to overthrow, undermine, or weaken the Soviet regime."

Soviet spokesmen in the United Nations have said that Russian courts no longer consider all of these texts valid, and that today no person can be sentenced by the courts unless he has been found guilty of a specific crime. However, the laws have not been rescinded. The committee pointed out that many recent escapees from corrective labor camps had testified that they were convicted on the basis of propaganda charges under Article 58 of the code.<sup>10</sup>

The findings of the committee made it clear that Soviet courts are not the only institutions empowered by law to enforce corrective labor measures. Since the mid-1930s the M.V.D. has operated its own administrative tribunals, or "special councils," with power to sentence Soviet citizens for political or other crimes without court trial. More than one-half of the escaped prisoners examined by the committee testified that they had been sentenced by the M.V.D. to periods of forced labor ranging up to five years.

Testimony of civilian prisoners who escaped from the Soviet Union contained graphic first-hand accounts of slave labor conditions in the great prison camps scattered more than 3,000 miles across Siberia, from Vorkuta above the Arctic Circle in the West to Dalstroj and Khabarovsk in Eastern Asia. The labor camps and much of the surrounding territory have been under direct M.V.D. control since the early 1930s. According to eye-witness accounts, some large camps such as Vorkuta have had more than 400,000 prisoners working in mines, lumber mills, and on major construction projects under the guns of the secret police. Even free citizens living in the region of these huge camps have been under M.V.D. administrative control.

The U.N. investigating committee made no estimate of the number of forced labor camps or the number of prisoners sentenced to corrective labor. However, the report cited various unofficial estimates of the total prison population ranging all the way from two million to more than 20 million persons; best informed guesses ranged between eight million and 14 million, including war prisoners of foreign

<sup>10</sup> Of 194 civilian escapees whose records were examined by the committee, 103 testified that they had been sentenced under Art. 58; 39 said they were sentenced under that article for propaganda and agitation.

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countries. West Germany, Italy, and Japan have charged that the Soviet Union still holds large numbers of war prisoners in slave labor camps, and the report confirmed the presence of such prisoners at Vorkuta and many Siberian prisons.<sup>11</sup>

#### ECONOMIC IMPORTANCE OF COMMUNIST FORCED LABOR

Documented evidence from Soviet sources confirms the use of forced labor on a large scale for economic development projects over a period of many years. The joint committee said in its report:

Since about 1930 the work of both political and other prisoners has been used in the Soviet Union for large-scale public works (canals, railways and roads), for the development of vast areas with abundant and hitherto unexploited resources of raw materials, and for the economic development of previously uncultivated regions.

Before World War II forced labor was undoubtedly a key factor in the economy of the U.S.S.R. The network of ship canals linking Moscow to the Volga, the Volga to the Don, and the Baltic to the White Sea was constructed entirely by forced labor under M.V.D. control. The authors of the *Great Soviet Encyclopaedia* made no attempt to conceal the size of the forced labor contingent; they even boasted of the beneficial effect on the prisoners. The first postwar edition of the encyclopedia observed:

A brilliant example of success of Soviet corrective labor policy is the construction of the White Sea-Baltic Canal, named after Stalin, where tens of thousands of prisoners received labor habits and qualifications [for useful work] . . . The grandiose victories of Socialism on all fronts made possible the employment of labor criminals in the general channel of Socialist construction, in the process of which the criminals are transformed into toilers of Socialist society.

On completion of the Baltic-White Sea and Moscow-Volga canals shortly before World War II, 127,000 prisoners were amnestied by the Soviet government in recognition of their contribution to "Socialist construction." However, those who gained their freedom represented only a part of the total forced labor contingent employed on the canals, and those projects were only two among hundreds carried on by the M.V.D. Other major projects which have continued

<sup>11</sup> In the prisoner-of-war agreement concluded in September 1955 between the Soviet Union and West Germany, the Moscow government agreed to return 9,626 former German soldiers; the Bonn government claimed Russia held up to 100,000 German prisoners.

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under police control include construction and maintenance of national roads, railroads, and transport systems; extraction of coal, copper, gold, non-ferrous metals, petroleum, and timber; and production of houses, factories, and some manufactured goods in isolated regions.

Evidence drawn from prewar economic plans of the Soviet Union indicated that forced labor projects under police control supplied up to 75 per cent of all gold mined in the country, 40 per cent of chrome production, and 12 per cent of timber production. Economic plans for 1941 assigned to the M.V.D. and its supporting agencies as much as 14 per cent of all new capital construction, a larger amount than that assigned to any other ministry.

Since the end of World War II, there have been strong indications that the importance of forced labor in the total economy of the Soviet Union is declining. A number of economic enterprises have been transferred from the M.V.D. to various civilian ministries, which now administer the bulk of new capital construction projects. With the growth of industrial production, new heavy and light industries have accounted for an increasing share of total national production and have developed need for efficient labor forces of skilled workers.

**SIGNS OF CHANGE SINCE THE DEATH OF PREMIER STALIN**

A number of changes affecting the status of forced labor in the Soviet Union have occurred since the death of Stalin in March 1953. One of the first acts of Stalin's successors was to amnesty certain categories of political prisoners. The decree of Mar. 27, 1953, was heralded as a forerunner of important changes in the Soviet legal system.

Soviet leaders began to stress the importance of "legality" and "respect for the rights of individuals." An apparent relaxation of penalties for minor political offenses followed in 1954, and in September 1955 a second amnesty freed additional categories of political prisoners. However, the number of prisoners released was not disclosed by the Kremlin, and promised reform of the penal code has not yet materialized.

Those released by the two amnesties were chiefly persons who had been convicted of collaboration with Germany during the war—Soviet citizens who had surrendered, who

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had served in the German army after capture, or who had been sentenced for "aid to the enemy and other crimes." The 1955 amnesty released some foreign prisoners and promised immunity to Soviet citizens living abroad who had defected during the war.

After the execution of Lavrenti Beria, former chief of the M.V.D., in December 1954, additional functions were taken from the secret police organization and transferred to civilian control. The authority of administrative police agencies to convict without trial was curtailed, and certain civilian agencies regained the right to inspect prisons and forced labor camps. The camps themselves, however, have remained under M.V.D. control.

During the 20th Communist party congress in February 1956 top Soviet leaders indicated that the long-awaited reform of the criminal code might soon be forthcoming. Party Chief Nikita Khrushchev and President Voroshilov again pledged early revision of existing laws. Voroshilov told the Congress on Feb. 21 that "Drafts have been prepared for the new criminal code, the introduction of which will play an important part in strengthening Socialist law and order in guarding citizens' rights."<sup>12</sup>

Some western observers have interpreted developments since the death of Stalin as harbingers of a more liberal administration of the Soviet legal system or milder application of forced labor laws and practices. Others have questioned any hasty assumption that the amnesties and curbs on police power really signify a trend toward relaxing forced labor regulations. Many American authorities on Soviet legal practices agree that most, if not all, of the conditions described in the U.N. report still exist today.

#### **PENAL LABOR IN EUROPEAN SATELLITES AND RED CHINA**

Current information about forced labor systems in the European satellite states generally confirms the findings of the 1953 inquiry, which covered conditions in Bulgaria, Czechoslovakia, Hungary, Poland, Rumania, and East Germany. In each of those countries the joint U.N.-I.L.O. committee found penal codes essentially similar to those in the U.S.S.R. and practices only slightly less harsh.

The laws of every Communist country examined by the

<sup>12</sup> Voroshilov asserted also that the rights of civilian public prosecutors, which had been usurped by the M.V.D. during the Stalin era, had been "fully restored."

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committee included the same basic provisions for punitive and corrective measures accompanied by forced labor. With minor variations, the penal legislation of the so-called people's democracies is aimed at "the political correction and re-education of those opposed to the political ideology of the government." With minor variations, each Communist state maintains a secret police system with administrative authority over forced labor camps and power to condemn political opponents of the regime without trial.

Use of forced labor for economic purposes deemed useful to the Communist regime is found in all of the European satellites. However, the economic importance of penal labor appears to be less significant in the satellites than in the Soviet Union. In any event, political prisoners have not been employed in Eastern Europe on the scale that prevailed in Russia during the 1930s when canal and other major economic projects were being carried out.

Forced labor practices in Communist China, not covered in the 1953 survey, were dealt with in a supplementary report issued early this year by the United Nations as further documentation for the forthcoming meetings of the Economic and Social Council and the I.L.O. The current data on Red China includes texts of laws and regulations of the Peiping government, statements and affidavits by Chinese refugees, and other documentary evidence collected and filed by the Nationalist government of China (Formosa) and by the United States government.

The Chinese Nationalists set the figure of forced laborers on the mainland at 25 million, an estimate considerably above the estimates given in other statements. This labor force is reported to have been used for major capital development projects of the Communist government. Up to 100,000 forced laborers are said to have worked on construction of the Sinkiang-Tibet highway, the outer Mongolian railroad, and the Chengtu-Chungking highway.

Recent decrees by the Chinese Communists, cited by the Nationalists, include "Regulations Governing Reform Through Labor," which provide for "the punishment and reform of counter-revolutionary criminals." The regulations set forth in elaborate detail measures for the disciplinary control of "counter-revolutionary prisoners" and other persons who have been convicted of crimes against

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the state and who can properly be employed for "constructive" labor.<sup>13</sup>

#### **SLAVE RUNNING BETWEEN AFRICA AND THE MIDDLE EAST**

In contrast with legalized forced labor systems maintained by Communist states, the slave traffic reported between parts of Africa and the Middle East appears to be a clandestine activity carried on outside the law. Evidence of a continuing slave trade between West Africa and Arabia has been submitted to the United Nations by the Anti-Slavery and Aborigines Protective Society, with headquarters in London, and by a number of other non-governmental agencies accredited to the United Nations.

According to a report issued by the Anti-Slavery Society on Mar. 1 for transmission to the Economic and Social Council at its April session, recent information confirms the existence of slave hunting in British and French West African territories in defiance of the governing authorities. Negroes captured in those territories, it is said, are carried chiefly to Saudi Arabia and neighboring Arab states.

One aspect of the present slave traffic involves recruitment by Arab agents posing as conductors of Moslem pilgrimages to Mecca. This traffic is said to have originated in such French West African territories as Mauritania, the Niger, and French Sudan, where Moslem natives habitually traveled to Mecca with domestic servants whom they sold as slaves in Saudi Arabia and Yemen. More recently, agents of Arab dealers have reportedly organized "pilgrimages" exclusively for procurement of slaves and concubines.

Existence of the traffic was described in an official report by the French embassy at Jidda, Saudi Arabia, on Nov. 7, 1953.<sup>14</sup> According to that report, the Moslem agents have appeared in villages of the French Sudan and Niger regions in the guise of missionaries organizing pilgrimages to the holy city. The "pilgrims," including young girls, have been transported overland to Port Sudan on the Red Sea coast and then taken across the Red Sea in small Arab sailing vessels to ports in Saudi Arabia. Girls under 15 sold as concubines are said to have brought prices ranging from \$550 to \$1,100, with men under 40 bringing up to \$400.

<sup>13</sup> The Regulations consist of 77 articles with provisions on production, supervision, reward and discipline in labor camps, etc.

<sup>14</sup> The French report is included in the document filed with the U.N. by the Anti-Slavery Society.

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Saudi Arabia and neighboring Yemen for a number of years have had legislation restricting slavery. However, neither country has answered United Nations inquiries about currently reported slave practices.

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### **United States Policy on Human Rights Pacts**

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THE APPARENT UNWILLINGNESS of the United States government to support the proposed forced labor and slavery conventions has not been due to any lessened concern over the practices and abuses revealed by the recent investigation. The administration has condemned such practices repeatedly and has reaffirmed its hope that the United Nations will become an increasingly effective instrument to promote respect for fundamental human rights. However, the present administration, reversing the policy of its predecessor, has made it clear on a number of occasions that it will oppose U.S. participation in treaties or conventions in the human rights field.

#### **BRICKER AMENDMENT AND HUMAN RIGHTS CONVENTIONS**

For several years before President Eisenhower took office, there had been indications that any treaty in the human rights field faced probable defeat by the Senate. The Foreign Relations Committee declined to recommend ratification of the genocide convention in 1949. Sen. Bricker (R-Ohio) introduced a resolution two years later which proposed to put the Senate on record to the effect that the U.N. Covenant on Human Rights, then being negotiated, would prejudice rights of the American people protected by the Constitution.

The original Bricker resolution was not acted upon, but in 1953 Bricker and 63 other senators renewed the proposal for a constitutional amendment which the incoming administration regarded as a serious threat to the President's treaty-making power. Secretary Dulles, testifying before the Senate Judiciary Committee on Apr. 6, 1953, opposed the amendment as infringing on the treaty power; however, Dulles stated that the Eisenhower administration had no intention of using that power in the human rights field. He said:

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The present administration intends to encourage the promotion everywhere of human rights and individual freedoms, but to favor methods of persuasion, education, and example rather than formal undertakings which commit one part of the world to impose its particular social and moral standards upon another part of the world community which has different standards . . .

Therefore, while we shall not withhold our counsel from those who seek to draft a treaty or covenant on human rights, we do not ourselves look upon a treaty as the means which we would now select as the proper and most effective way to spread throughout the world the goals of human liberty to which this nation has been dedicated since its inception. We . . . do not intend to become a party to any such covenant or present it as a treaty for the consideration of the Senate.<sup>15</sup>

President Eisenhower informed the U.N. Commission on Human Rights of the change in American policy in a personal message, Apr. 6, 1953, which suggested a "new approach" to problems in this field through types of action that would not require a treaty or convention. Under instructions from Secretary Dulles, the U.S. representative on the Commission submitted proposals for such action based on periodic reports, special studies, and technical assistance to advance human rights in specific areas. The reversal of American policy was described as a bombshell by the chairman of the Commission, but it was nevertheless decided to continue efforts to conclude a universal covenant.

#### **EFFECTIVENESS OF TREATIES IN FIELD OF HUMAN WELFARE**

The experience of the United Nations in attempting to draw up treaties or conventions in the welfare field has given rise in many quarters to serious doubts about the effectiveness of such pacts. The General Assembly in 1948 approved the Universal Declaration of Human Rights (which was not a binding treaty); but since then numerous drafting committees have failed to reach agreement on the two covenants designed to put teeth into the declaration. Wide differences of opinion have developed, with the result that controversial questions have been settled either by narrow majorities or by adoption of compromise language that has little real meaning. Some observers believe that a treaty of this character would do nothing to advance human rights and would be unworthy of the United Nations.<sup>16</sup>

<sup>15</sup> See "Record of the 83rd Congress," E.R.R., Vol. I 1953, pp. 545-546.

<sup>16</sup> James Frederick Green, *The United Nations and Human Rights* (1956), p. 67.

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On the other hand, international conventions in the fields of slavery and labor generally have been considered more effective instruments than mere declarations or recommendations. Treaties such as the Geneva Slavery Convention of 1926 have been widely accepted by the international community and traditionally supported by the United States.

The International Labor Organization has drawn up 103 conventions, dealing with all forms of labor standards, since its establishment in 1919. Most of the I.L.O. conventions have been ratified and observed by the contracting parties, and the record of enforcement has been reasonably good.<sup>17</sup> The I.L.O. also has issued approximately 100 "recommendations," which have no binding effect on governments but which serve to register the prevailing opinion of the organization on matters not considered suitable for treaty-type action.

The recent I.L.O. questionnaire on forced labor asked all member governments to indicate in advance of the annual conference next June whether they considered a convention, or a recommendation, the more desirable instrument for handling this problem. Thirty-four of the 37 governments answering the question indicated that they would favor a convention. The Soviet Union stated that it was prepared to support a convention for the abolition of "all forms of forced labor." The United States made no reply.

By supporting the proposed convention, the Soviet Union apparently hopes to divert attention from its own forced labor practices by launching an attack on what it has called "capitalist peonage" in the United States. Moscow has indicated that it will press for a wider definition of forced labor to embrace various kinds of "economic dependence" and "racial discrimination."

Most free countries have indicated that they will resist Soviet diversionary tactics. But countries which welcomed American leadership in the early movement to expose legalized slave labor have found it difficult to understand the present policy of the United States.

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<sup>17</sup> The United States government has ratified seven I.L.O. conventions covering maritime labor standards.